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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 261st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 January 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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YEMEN

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Yemen (CRC/C/8/Add.20 and CRC/C.11/WP.5)

1. At the invitation of the Chairperson, Mr. Abdullah, Mrs. Ahmed, Mr. Al-Musibli, Mr. Bin Ghanem and Mrs. Faree (Yemen) took places at the Committee table.

2. Mr. ABDULLAH (Yemen) said that his delegation hoped to engage with the Committee in an open dialogue on its report, submitted in accordance with the provisions of the Convention, and was eager to expand on any issues that might need clarification and to answer any additional questions that might arise. It would subsequently submit its replies in written form.

3. The CHAIRPERSON invited the delegation of Yemen to provide information on the questions the Committee had asked in connection with the section of the list of issues (CRC/C.11/WP.5) entitled "General measures of implementation", which read:

"General measures of implementation
(Arts. 4, 42 and 44, para. 6 of the Convention)

1. What is the status of the Convention vis-à-vis constitutional or other national law, including in the event of a conflict with national legislation? Can the provisions of the Convention be invoked in court?

2. Please indicate whether any study has been undertaken to review national legislation and its compatibility with the provisions and principles of the Convention on the Rights of the Child.

3. Please list any new legal codes or amendments to previous laws which may have been recently adopted in the spirit of the Convention.

4. Please provide further information on the functioning of the Council for Children, including the size of its budget and staff, as well as the achievements of the Council in the area of coordination and monitoring or the implementation of the Convention on the Rights of the Child.

5. Please provide more details about the process of preparing the report, in particular with regard to popular participation and the involvement of non-governmental organizations.

6. What concrete measures have been taken to make the report widely available to the public at large?

7. What further steps are planned for creating more widespread awareness among adults and children alike about the principles and provisions of the Convention?

8. How is the effective implementation of national legislation ensured throughout the country, including in the most remote areas?

9. Please describe the steps taken to implement article 4 of the Convention, namely in regard to the allocation 'to the maximum extent of available resources', to ensure the implementation of economic, social and cultural rights and taking into account the difficult economical situation generated by the consequences of the Gulf war and the unification of the country in 1991. (See para. 3 of the report).

10. Please indicate whether any steps have been taken since the submission of the report in order to improve the collection of statistical data and other information on the status of children as a basis for designing programmes for the implementation of the Convention. (See para. 4 of the report).

11. What proportion of the national budget is devoted to basic social expenditures and what share of international assistance is devoted to the implementation of the Convention?"

4. Mrs. SANTOS PAIS said that, in ratifying the Convention, Yemen had given a clear sign of its political commitment to the obligations contained therein. However, ratification was only the first step. The questions relating to general measures of implementation were therefore of crucial importance: they dealt with the overall efforts which Yemen was making to meet its obligations under the Convention. From those questions, the Committee expected to get a general picture of the current situation in Yemen with regard to children and to be apprised of any specific changes that had taken place. For example, had the Government of Yemen incorporated the Convention into internal law; had any study been undertaken on existing legislation to ensure that it was fully compatible with the Convention and, if not, what action had been taken? Apart from legislation, what other measures had been taken to protect the rights of children?

5. The initial report of Yemen (CRC/C/8/Add.20) took an admirably critical approach and demonstrated the country's commitment to using the Convention as an instrument of change. The report also outlined the various obstacles to be overcome: a Government which was willing to identify its problems surely had the political will to find the corresponding solutions.

6. It was regrettable, however, that the report had not been drafted in accordance with the Committee's guidelines. Those guidelines had been developed for a specific purpose. In stressing the interrelatedness of the rights provided for in the Convention and the specific relationships between certain groups of rights, they functioned as a policy-making framework.

7. Mr. KOLOSOV said that many States parties found it difficult if not impossible to meet the entire range of obligations under the Convention from the outset. The fact of ratifying the Convention nevertheless encouraged Governments to take measures to improve the status of children.

8. He wondered what Yemen's experience had been since it had become a State party to the Convention. What support had it received from the authorities? What obstacles had it encountered?

9. Mrs. KARP said that she wished to know what policy decisions had been taken in response to the issues and difficulties referred to in the report. What integration, cooperation and budgetary measures were being considered by the Yemeni authorities?

10. Mrs. EUFEMIO, referring to the difficulties Yemen had encountered in providing child welfare services, asked what recent measures had been taken to improve the quality and accessibility of those services. Had steps been taken since the submission of the report to improve the collection of statistical data and other information on the status of children? Such indicators would be needed to evaluate progress over the next five years.

The meeting was suspended at 10.35 a.m. and resumed at 10.50 a.m.

11. Mr. ABDULLAH (Yemen) said that his country had achieved unification in 1990. The merging of two different peoples and systems, while a great accomplishment, had also given rise to difficulties, particularly in the social and economic spheres. The scarcity of resources and the outbreak of war had only made the situation worse.

12. Since June 1994, his country had been rebuilding its social and economic infrastructure in the context of a Government programme for reconstruction. Despite all the hardships they had experienced, the Yemeni people were committed to democratic principles and political pluralism. Elections, the next of which would be parliamentary elections the following year, were held regularly. Yet, despite his country's steadfast progress towards democracy, many problems remained and that was only natural in view of Yemen's recent history.

13. Yemeni children had naturally suffered during the difficult period following unification. However, within the limits of its resources, his Government had made and would continue to make every effort to help children achieve their full legal status and to enjoy the rights to which they were entitled.

14. Legislation in his country safeguarded the rights of the child, in conformity with the relevant international instruments, particularly the Convention on the Rights of the Child, and in accordance with the religion of Islam, which also promoted the rights of children.

15. Referring to the list of issues, he noted that Yemen was party to a number of human rights instruments and complied with all its obligations arising from them, even those signed and ratified by the separate States before unification.

16. Human rights were protected in Yemen under its Constitution, an amended version of which had been approved in December 1994. Since that time, no new amendments had been proposed.

17. His country also safeguarded human rights through other types of legislation, including the 1992 Civil Code, the 1992 Personal Status Act, the 1992 Juvenile Welfare Act, the 1990 Nationality Act and the 1995 Labour Code. A bill on the care and rehabilitation of disabled persons was currently before the parliament. Other legislation in preparation included a social development fund to combat poverty, a law protecting disadvantaged families and a new social welfare law.

18. The Yemeni Council for Maternal and Child Welfare, established by presidential resolution in 1991, had begun to function in 1992. Headed by the Minister for Social Affairs, it was composed of representatives of ministries and other national agencies and bodies. Its programmes dealt with such matters as education and health. Regrettably, the Council had ceased to function in 1994 and 1995 owing to the political and economic crisis, and had only recently resumed its activities. In the last week, the Government had announced its 1996 programme, which included a child-care strategy. It was, of course, hoped that the Council, whose budget was about 2.5 million Yemeni rials, would be able to continue its work in the current year and the Yemeni Government was seeking international assistance for its operation.

19. Symposia had been conducted in the cities of Sana'a and Hadhramaut to discuss the principles of the Convention and the Yemeni report; representatives of national and popular associations had participated. Furthermore, the full text of the report had been published by the Yemeni Government, in collaboration with various international organizations, and widely distributed.

20. Yemen fully embraced the principles embodied in the Convention and was eager to implement its provisions. The first annual Day of the Arab Child had been held in 1995; various other events, attended by specialists in the field of children and high-level members of the Government, had been held throughout the year. The subjects covered included equality between older and younger persons, the rights of the child and child care.

21. Generally speaking, the provisions of the Convention were implemented in Yemen not by the Government, but by the many independent popular associations devoted to the needs of families, women and children. Yemeni law placed absolutely no restrictions on the formation of associations; for his part, he made every effort, in his official capacity, to encourage the establishment of associations and liberal unions. The Government had established the Department of Child Coordination and had supported the creation of a council, headed by a specialist in the field of child care, whose task was to coordinate the work of organizations devoted to Yemeni children and to optimalize the use of local and international resources for children. A representative of that body had met with the Committee at its November 1995 session and had described its work in full.

22. Yemen was currently engaged in a full-scale reform of its social, economic and financial structures; it was, in particular, undergoing a transition from a planned economy to a market-based liberal economy under the auspices of the World Bank. The first phase of that restructuring process was now complete and the Government had approved the second phase. Unfortunately, the straitened economic circumstances from which Yemen was suffering had an

adverse impact on the Government's ability to allocate resources to all sectors. Child care of course suffered; in any event, there was a regrettable shortage of child-care institutions.

23. The second Yemeni five-year plan, spanning the years 1996-2000 and including provisions for both child care and welfare institutions, would soon be adopted. Furthermore, a population conference would be held in 1996 to evaluate the results of the 1991 population plan of action, which had resulted from the deliberations of the 1991 population conference.

24. Various measures had been taken to improve the collection of statistical data: in 1993 a survey had been conducted to assess the situation of women and children; and, in 1994, another had been conducted to assess population and housing, the first such survey to be carried out by the new republican Government. The information that had been obtained in those surveys had been incorporated into the development of child-care programmes. Significantly, the Arab States had collaborated on the establishment of a uniform statistical system.

25. Although the national budget currently allocated no funds for children as such, the Yemeni Government was considering a budgetary revision that would take their special needs into account. Resources for the care and protection of children were currently channelled through social, educational and health programmes. Following the adoption of an all-Arab child-care strategy by the 1992 conference of ministers held in Tunis, Yemen had drawn up a child-development and child-care plan and was working to incorporate its provisions into upcoming programmes. In his view, the Council for Maternal and Child Welfare might indeed be the ideal forum in which to assess ways of earmarking a portion of the national budget specifically for the needs of children.

26. Mr. Bin GHANEM (Yemen) said that the principle of the protection of the rights of the child meant that the child must be accorded the right fully to develop his natural abilities so that he might help to build a better society when he had reached adulthood. The first step toward the implementation of that principle was the establishment of legal safeguards.

27. Although Yemen enjoyed a long history of respect for the legislative, customary and religious rights of children, the State had to design a balanced strategy for the appropriate allocation of resources, in accordance with the needs of the population. But if the rights of the child were genuinely to be protected, all sectors of society must be mobilized. Yemen was in a period of rapid demographic growth and, if sound policies were not developed to curb population growth, it would prove impossible to provide adequate protection for women and children.

28. Yemen had ratified the Convention in order to express its political commitment to the principles it embodied, but, at the time of signing, it had not been in a position to meet all its obligations under that instrument. In his view, it would be useful to focus not on the achievement of goals, but on the removal of the obstacles to achieving those goals.

29. Mr. KOLOSOV said that the problems encountered by Yemen were similar to those facing many countries in transition. It was up to each Government to find ways to make the most of the limited resources available. He would like to know what allocations were specifically earmarked for the poorest sectors of society and what organizational and legislative difficulties had arisen. In countries undergoing transition, it was common for the gap between the rich and the poor to grow, and that had an adverse impact on children. Was that fact taken into account through the provision of assistance to the country's poorest? How was the effort being organized? Reference had been made to the Council for Maternal and Child Welfare, which was understaffed. Did that body have local branches throughout the country? It was difficult to see how the Council could operate effectively if it only had 17 staff members.

30. Mrs. SANTOS PAIS said that article 4 of the Convention made it clear that States must undertake measures to improve the situation of children to the maximum extent of their available resources. Notwithstanding the conflict in Yemen, the Government must demonstrate the political will to protect children from the scourge of war and its adverse economic impact. She requested more details on efforts being made, pursuant to article 4, to give priority to the needs of children and to disabled children and girls in particular. The Committee could not accept the argument that certain groups of children had had to be treated differently owing to a lack of resources. Also, how were priority needs in the areas of education and health care reflected in budgetary allocations? What percentage of international assistance was earmarked for the social sector? She shared the Yemeni delegation's concern that persons in rural areas did not have access to education or health care.

31. Turning to questions 1 and 2 in the list of issues, she asked whether the Convention had been incorporated into national legislation. Concerning article 7 in particular, according to which no child should be allowed to become stateless, she noted that, under Yemeni legislation, a child born to a Yemeni mother and a non-Yemeni father might, in certain cases, run such a risk (para. 26 of the report).

32. The delegation of Yemen had assured the Committee that there was no discrimination in the allocation of budgetary resources. She would like to know whether safeguards existed and whether cases of discrimination could be taken to court.

33. She was pleased that the Yemeni delegation had acknowledged the need for legal reform and asked what measures were being taken in that regard.

34. As she saw it, questions 6 and 7 in the list of issues were of particular importance because, if no one knew what the Convention contained, it would remain a dead letter. For example, were personnel in detention and correctional centres aware that the Convention called for special treatment of detained children? Was the Convention taught in schools and in training programmes?

35. In her view, the Convention was eminently suited to promote mutual understanding and thus help overcome the bitterness engendered by the war.

36. Mrs. KARP asked what specific efforts had been outlined in the proposed plans of action to solve the problems facing children and to improve their situation. How had the Government dealt with the high population growth rate? What action had been taken to cope with public attitudes towards change and to promote understanding among parents for the rights of children, as set forth in the Convention? Did the Islamic religion make provision for ensuring that girls and boys were treated equally?

37. Miss MASON said that, notwithstanding the Yemeni delegation's reference to financial and other constraints which made it impossible to give immediate effect to the Convention, article 4 clearly stipulated that every country must undertake measures to implement the Convention to the maximum extent of its available resources.

38. Concerning questions 5, 6 and 7 in the list of issues, she noted that the Committee had still not received a reply as to whether the population and non-governmental organizations had been involved in preparing the report. Presumably, Yemeni society was aware that the report had been submitted because the Yemeni delegation had spoken of its being published and had referred to the holding of symposia on both the Convention and the report. That being the case and given that Yemen was a Muslim society, she asked what had been the specific areas of concern to the general population. For example, had there been any public discussion of such issues as custody of children, the girl child in Yemeni society or children born out of wedlock? What issues had provoked the sharpest debate?

39. With regard to the provision of social services, the Yemeni delegation had admitted that the entire system needed to be overhauled and she would therefore like to know what immediate steps were being taken to alleviate the situation, especially in rural areas.

40. Mr. ABDULLAH (Yemen), replying to the questions put to his delegation, said that, as explained earlier, his country had used the means available to it to help familiarize the population with the contents of the Convention. Yemen was prepared to accept any assistance in making that instrument widely known. Official bodies and the media had taken an active role in heightening public awareness; round tables and seminars had been held and the articles of the Convention had been taught at university. No restrictions were placed on international organizations in Yemen which helped disseminate the Convention.

41. Concerning the questions raised on budgetary allocations, he said that health care for mothers and children remained a matter of high priority, as did the fight against illiteracy and the introduction of compulsory education.

42. His delegation was not currently in a position to provide the Committee with exact data, but would communicate all figures on health care, education and social matters as they became available. After the report had been submitted, some health statistics and demographic data had been produced; they could be forwarded to the Committee if it so wished.

43. The Higher Council for Children, whose rules of procedure had recently been adopted, had branches in all departments of the country, but it was not of course possible to ensure representation at the village level.

44. The distribution of the budget was based on criteria of population density and was generally fair; there was certainly no ethnic or regional discrimination as such. However, Yemen had not yet carried out a full study to determine the relative poverty of various regions of the country. The United Nations Development Programme (UNDP) had been asked to help with such a study, which would certainly lead to a better distribution of budgetary resources. The considerable poverty in Yemen had been exacerbated by the Gulf crisis, which had caused many families to return home from abroad; some departments, for example, still had refugee camps. Figures on the distribution of budgetary resources could be supplied at a later stage, but they would refer only to sectors: no separate figures were available for children.

45. Yemen's social priorities were set out in the national strategy. The next five-year plan was still under discussion, but it would take into account the objectives concerning children contained in the strategy. The religion of Islam was deeply concerned about the welfare of children. Society and the family in Yemen were therefore founded on social cohesion and protection, with no discrimination between boys and girls.

46. The legislation on minors gave due priority to their protection. For example, if a minor was detained by the police, he must be held in a special detention centre for minors and for not longer than 24 hours.

47. Mrs. EUFEMIO said she was concerned about the statement that cost was a limitation on the dissemination of the Convention to children and adults. Surely the information centres referred to in the report need not cost very much. In any event, she would like further information about how the Yemen Government was ensuring the dissemination of the Convention in view of resource limitations.

48. She also wished to know how the Government could gauge changes of attitude towards children on the part of adults, especially with respect to the effort to increase the participation of children in social affairs. Census data alone would not provide any answers. Other research was needed to determine the effectiveness of the Government's action. Was any such research undertaken and what effects did it have on policy formulation?

49. Mrs. SANTOS PAIS said that, where information about and training in the Convention were concerned, there was a need to cater for the people who could not attend such events as seminars and round tables. That was especially true for a country like Yemen which had a very high illiteracy rate and where many people lived in remote areas and had little access to services. She was glad to hear that health was a budget priority, but there again the report indicated that people living in rural areas had little access to health services. The allocation of budgetary resources should reflect the priority of providing services for the people in greatest need.

50. The report recognized the disparity of treatment in education between boys and girls and between urban and rural areas. Once again, the budget should reflect the political commitment to the provision of equal services for all children.

51. She hoped that the dialogue with the Committee would provide inspiration for the formulation of a new strategy. In particular, the legislation should be amended to include sanctions in the event of failure to observe the law. She would like to know, for example, what remedies were available if a child was kept in a detention centre for longer than 24 hours.

52. Yemen clearly needed a high-level mechanism for coordinating activities, including the dissemination of information about the Convention. Whatever the mechanism established, it must take a comprehensive approach and cover people living in all areas of the country and all the topics dealt with in the Convention. Such a coordination mechanism would make it easier to formulate appropriate strategies and would improve the collaboration between the financial and social departments of the Government.

53. Mr. KOLOSOV said that it must be borne in mind that the Convention was not just another human rights instrument, but the start of a new philosophy and attitude towards children. Children had the right not only to be taken care of, but also to participate fully in the life of society. It was therefore important to establish whether the text of the Convention was part of the school curriculum. If not, when would the necessary action be taken? It was vital for teachers to be given training so that they understood the true meaning of the Convention for adults and children. He would like to know whether such training was provided and whether it was extended to paediatricians, police officers and all other persons who worked with children.

54. Miss MASON said that, although the general question of discrimination would be taken up later, she would like immediate clarification with regard to discrimination between boys and girls. Could the Yemen delegation affirm that there was no such discrimination in Yemeni society when the report was replete with statements to the contrary? She would also like clarification about the need to change the Constitution in that respect. For example, the pre-1994 Constitution listed areas where discrimination was prohibited, but the new Constitution stated merely that all citizens were equal in rights and duties.

55. Mrs. KARP said that she would like specific information about the terms of reference of the new Council for Maternal and Child Welfare, about the lessons learned from the shortcomings of the previous Council, about the Council's membership and methods of work and about its coordination role with respect to children's issues. What would make the new Council more effective than the previous one?

56. Mr. ABDULLAH (Yemen) said that Yemen had already had three research centres and an effort was being made to set up a new social research centre. The centres made a contribution in such areas as data collection and evaluation. The national priorities with respect to such matters as health, education and social reform were taken into account in the formulation of the budget.

57. On the question of discrimination in education, he could confirm that the Constitution provided for equality of opportunity for all citizens. Objective factors could of course intervene to prevent the achievement of such equality, but the State was committed to the basic principle of justice and equality for

all. It was particularly difficult to ensure educational equality between urban and rural areas. In some areas of difficult access, it was very expensive to provide education and other services. In fact, some very remote areas had no schools or other services. Difficulties were also encountered in densely populated areas. Accordingly, the objective situation could result in discrimination despite the commitment and efforts of the Government. An attempt was being made to solve the existing problems with respect to the education of girls. Some schools did have roughly equal numbers of girls and boys, but traditional attitudes and practices often frustrated the functioning of the school system. It was widely believed in Yemen that a woman's place was in the home. Another problem was the uneven distribution of schools throughout the country. Despite the difficulties, efforts were being made to encourage girls to attend school. The Yemen delegation would be able to provide more information about education at the next meeting.

58. The CHAIRPERSON said that the Committee would return to the question of discrimination at the next meeting, when its members might be able to make suggestions for improvement of the situation in Yemen in the light of the experience of other countries having similar problems.

The meeting rose at 1 p.m.